

Approved For Release 2002/01/10 : CIA-RDP76M00527R000700230060-3

STATINTL

TO:		OLC [REDACTED]
ROOM NO.	BUILDING	
REMARKS:		
OGC Has Reviewed		
Per discussion with [REDACTED]		
FROM:		
ROOM NO.	OGC BUILDING	EXTENSION

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STATINTL

25 January 1974

MEMORANDUM FOR THE RECORD

SUBJECT: ICRC Meeting of 24 January 1974

1. The ICRC met at the White House yesterday with a light agenda.

2. Acting Chairman Rhoads announced the appointment of John Warner as General Counsel of CIA. He also called to the attention of all an article in the current issue of Government Executive concerning DOD's Joe Liebling and DOD's security program. Liebling attends ICRC meetings with the DOD representative, Dr. Cook. Both were present yesterday.

3. Dr. Rhoads also informed us that the staffs of the Moorhead and Muskie Committees have contacted Rhoads and Bill Brown (Executive Director of ICRC) and have advised that they will be asked to testify before those committees in the near future--the Muskie Committee in May and the Moorhead Committee in February or March. At this point and at several other stages in the meeting, there were references to the need for the Committee and the departments to engage in activities which will be useful to Dr. Rhoads and Mr. Brown when they testify. (Dr. Cook said it is quite possible ICRC members will be asked to testify.) Dr. Rhoads announced also that Congressman Moorhead has asked Congressional Reference Service of the Library of Congress to prepare a report on ICRC, and the CRS in fact has contacted Bill Brown. Bill Brown announced that he expects to prepare the annual report of ICRC during the next month; the report will be submitted to the President and presumably will be made available to the press. Members were requested to advise of positive accomplishments, whether or not reported to ICRC heretofore. Mr. Dixon advised that the Department of Justice will review H. R. 12004 and the other proposed amendments to FOI. He did not say that he would then communicate with ICRC or the other agencies. I expect we should ask to see their report or analysis.

4. There was a suggestion that ICRC conduct a symposium on the activities of ICRC and the implementation of the Executive Order in general. The proposal originated with the security people of DOT and NASA, who contacted Bill Brown for that purpose. This was discussed at some length. The idea of a symposium was considered desirable for, among other reasons, the purpose of providing Dr. Rhoads with positive accomplishments to report to the Moorhead Committee. Bill Brown is to begin planning for this and to report next month. It is anticipated that, at a later date, a sub-committee from the members (or their staffs) may be asked to serve with Mr. Brown. It was thought also that ICRC might first do a symposium with a rather large audience to be followed by workshops with fewer people at a later date. I suggested that the symposium might be addressed primarily to agencies which are not members of the Committee. There was general agreement with this but I suspect all agencies will be invited to attend.

5. Dr. Cook raised a question concerning the requirement that classification abuses be reported. The background is that the National Security Council Directive does require quarterly reports of "classification abuses." In February of last year, Chairman Eisenhower issued Instructions to all departments in the name of the Committee (which he rather ram-rodged down the Committee's throats) concerning the report to be submitted on abuses. His Instruction defines abuses in very broad terms. See at Tab A, paragraph 3 of a document entitled "Report of Classification Abuses", dated February 27, 1973, which is the Eisenhower Instruction. Dr. Cook's position was that, in effect, this definition covers all errors of judgment, ignorance or otherwise, in which a document is incorrectly declassified, left unclassified, subjected to the General Declassification Schedule, exempted from the General Declassification Schedule, or any other classification decision is made. It also means that an action in one of those areas by a subordinate would be an abuse if his superior disagrees and reverses his classification action. In those terms undoubtedly hundreds of abuses occur all the time. Dr. Cook proposed a revision of the Eisenhower Instructions which would substitute a more realistic definition of abuses to be reported. This was discussed at some length. Both Mr. Dixon and Chairman Rhoads emphasized that the Committee and departments must have in mind Congressional attitude concerning Freedom of Information and the government's performance in the area of security classification and the undesirability of softening reporting, particularly at the time Dr. Rhoads is to testify. It was noted that some of the provisions in the NSC Directive were put in to counter criticism that E. O. 11652 was no better than its predecessor.

Dr. Cook also suggested that Mr. Houston had raised a number of points on this and other reporting requirements with which the Committee had not dealt last February when the Eisenhower Instructions were issued. It might be well to consider now his points and those raised by the Department of Defense at that time. A subcommittee was suggested and Dr. Rhoads and the Committee agreed that this would be desirable. Rhoads will appoint such a committee in the near future.

6. Mr. Brown has been invited to speak by the National Classification Management Society next week.



Associate General Counsel

STATINTL

Attachment

cc: DD/M&S
IG
ISAS

OGC: RHL: CAV

Orig - OGC SUBJ: SECURITY E.O. 11652 - ICRC (not indexed)
✓ 1 - RHL Signer
1 - Chrono

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